

CONSERVATION COMMISSION
DRAFT MINUTES OF THE MEETING
WEDNESDAY, JUNE 20, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
MAX SCHENK, CHAIRMAN

MEMBERS PRESENT

Max Schenk, Chairman
Charlie Anderson
Arthur Socolow
William Febiger
Robert Gulla
John Feener
(Branden Frontiero)

MEMBERS ABSENT

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Mr. Max Schenk, Chairman reads the agenda for this evening.

**CLOSURE OF HEARINGS, REVIEW OF FINAL INFORMATION AND
AMENDMENTS AND SIGNING OF PERMITS/DECISIONS**

15 WOLF HILL WAY

The Agent updates the Commission noting that this has been continued from two months ago with an agreement regarding repaving, storm water management and plantings. She spoke to the property owner by phone and he stated that the work was almost done. A site visit with the Engineering Dept. is scheduled for next week.

Mr. Schenk asks for a motion to continue.

MOTION: Mr. Gulla moves to continue the matter to 07/18/07 at 7:00 PM

SECOND: Mr. Febiger

VOTE: 6-0 all in favor

CITY OF GLOUCESTER, GOOD HARBOR AND WINGAERSHEEK BEACHES

The Agent updates the Commission noting that DEP info. came in today with no comments and no issues. She further notes that CZM and DEP have things worked out.

Mr. Schenk asks for a motion to approve.

MOTION: Mr. Anderson moves to approve the project.

SECOND: Mr. Feener

VOTE: 6-0 all in favor.

11A CHESTER SQUARE

The Agent notes to the Commission that a permit was never sought for the dock and pier that is in place. Chapter 91 is necessary, with no special conditions. She further notes that Shellfish has no concerns.

This was reviewed and approved at the last meeting of the GCC.

Conditions noted:

Standoffs, storage upland and non toxic construction materials to be used.

If boats are tied up and grounding out at low water the Shellfish Constable needs to be contacted.

MOTION: Mr. Febiger moves to approve and sign

SECOND: Mr. Socolow VOTE: 6-0 all in favor

29 WINTHROP

The Agent notes this as an extension as the odd shaped lots have expired. They were given 1 yr. Conditions noted: 2 to 1 mitigation, 72 hr. notice regarding construction along with other conditions previously noted. This is for the one lot.

MOTION: Mr. Gulla moves to extend for 1 additional year with requests 1 year at a time.

SECOND: Mr. Anderson VOTE: 6-0 all in favor

5 CEDARWOOD ROAD

The Agent states that Michael Faherty has requested a continuance.

Ms. Ryder explains the reasons for the continuance.

Mr. Gulla asked if the culvert had been fixed and Ms. Ryder states no and a NoI was in the process of being put together. She states that the City is taking over the culvert and this is before DEP now. She further states that the culvert to date has not been fixed and it needs to be replaced.

It was noted that Marshall's Farm stand offered the use of some equipment to clean out the culvert. There was a refusal to allow someone from the farm stand entrance to the property. It was further noted that there are 4 different issues in that one area.

Mr. Schenk requests a motion to continue the matter.

MOTION: Mr. Gulla moves to continue the matter to 07/18/07.

SECOND: Mr. Febiger VOTE: 6-0 all in favor.

BRACES COVE

The Agent notes that this matter was discussed at the last meeting and has gone to DEP. Rocks had gone into the culvert during a storm and to repair this they misunderstood and they re-created a road and drained a pond. She further notes that DEP has gone on a site visit. Wetland Management has been hired for the NoI. There is a history of enforcement issues regarding this site. They are doing long term maintenance and repair.

MOTION: Mr. Gulla moves to approve the Enforcement Order.

SECOND: Mr. Anderson VOTE: 6-0 all in favor.

Two forms signed: City of Gloucester and State Wetland Ordinance.

Mr. Schenk notes that this is time for PUBLIC COMMENT regarding Conservation issues not listed on the agenda for this evening.

Mr. Steven Goldin notes the Sam Park issue listed on previous agendas stating that at a previous meeting Mr. Schenk cut him off when he was speaking. He notes that he has given testimony regarding this issue for over ten years. He further notes meetings where Mr. Socolow and Mr. Febiger were Chairmen of the GCC. He discussed respect and issues of timing when speaking to the Commission. He states that on the occasions of speaking before the above noted Chairmen that authority was obtained from respect.

He went on to discuss the issue of the police presence at a previous meeting.
No other public comment. CLOSED.

LETTER PERMITS

19 STANWOOD POINT

The Agent updates the Commission noting this as a request for Letter Permit after the fact. This is in regards to the two existing footings. Statements from two abutters note that they have always been there. The Agent reads a letter from Norman Ross, Esq. and notes that the cement pad was created in March of 2007. Dave thought it was 1991.

In regards to the 1996 Plan nothing has changed. This was allowed at the last meeting.

Noted: 2 cement pads, (exact location), no soil disturbance, no expansion, clean and free and debris and normal maintenance from storms.

Mr. Gulla notes that we are not approving the building of it, just approving the guidelines under the Conservation Commission regulations.

A gentleman, who sent in a letter stood, spoke and asked that the letter be read in its entirety. The Agent reads the letter in its entirety and notes that copies are not in the Commissioners packets as they were not received in time for mailing. They will be sent out in the next scheduled mailing.

Mr. Gulla notes this as 2 piers and resurfacing of the footings. The Agent notes this as being allowed under the local and state Wetland Act.

Mr. Schenk asks for a motion to either uphold or withdraw the approval.

MOTION: Mr. Gulla moves to uphold the approval.

SECOND: Mr. Anderson **VOTE:** 6-0 all in favor

4 CHERRY STREET (Map 105, Lot 22) **NEW**

Scott Merchant to construct an addition, repave a drive, re-construct a shed and restore the stream bank.

Jennifer Hughes rep. the applicant notes that the addition is within 200 ft. of riverfront area. High water is flagged and noted on the plan. No BVW associated with the brook. The addition is 250 sq. ft. The existing old shed at the rear of the house was taken down and the proposed rebuild would be a 10 x 20 container with the location further out of the resource area. In regards to mitigation, Knot Weed would be removed, (250 sq. ft.). This would be a cut and paint situation. Post re-delineation – not buffer zone. A 5 ft. buffer seed mix to be placed along the bank.

Mr. Socolow inquired as to trees in the area and Ms. Hughes stated that no trees are to be removed. She further stated that the rest of the lot is dirt with soils being washed away. This area would be loamed and seeded. She submits photos. She noted the installation of a water line and further notes the driveway being in place but not paved as of yet.

Mr. Schenk questioned the drive being paved and noted SW treatment management before entering the stream.

Ms. Hughes notes this being built up and held back by a granite slab.

100 yr. flood elevation at #13.

The Agent asks if there is a statement from DEP and Ms. Hughes stated no.

The Agent then reads the DEP comments as follows:

OBTAIN COMMENTS – TO INSERT IN DRAFT

The Agent notes that by changing and mowing it changes the dynamics of the bank. Mr. Schenk suggests a possible continuance to allow the applicant the time to address DEP comments.

The Agent notes a planting plan to be done 3 years down the road.

Mr. Gulla inquired as to any change in the shed and Ms. Hughes said no.

The Agent notes the driveway and 2 to 1 mitigation.

Scott Merchant notes that everything was washed out in regards to the drive way.

Mr. Gulla notes it being scoured out on both sides. He further asked if the fill has been replaced and Ms. Ryder states that an ER Cert. for the fill to be done.

Mr. Febiger asked of the proposed addition is to be on a foundation and Mr. Merchant stated yes. The Agent notes this being in the flood plain.

Mr. Gulla noted that they may want to think about piers.

Mr. Merchant noted flood water hitting the granite slab and continuing with that it should act the same way.

Mr. Febiger inquired as to the treatment of the knot weed and Ms. Hughes said that no spraying would be done, only brushed and/or painted on.

The Agent notes abutters' comments with a request for no blasting listed.

Mr. Gulla inquired as to a full basement and Mr. Merchant stated not a full basement but they would like to have a steel container.

PUBLIC COMMENT:

Elizabeth Murray, 8 Cherry Street noted that the owners have done a lot to improve the site and that it looks good.

PUBLIC COMMENT: closed

Mr. Gulla notes his concern regarding the foundation and the fact that the more headwall you create, the more velocity. He strongly recommends the applicant think about piers.

Mr. Merchant notes mice being bad at the site.

The Agent notes DEP comments and suggests long term replanting at the site, the addition on pilings and the driveway on stone.

Mr. Schenk asks for a motion to continue so that DEP comments may be addressed.

MOTION: Mr. Gulla moves to continue the matter to 07/18/07 at 7:30 PM

SECOND: Mr. Socolow **VOTE:** 6-0 all in favor

132 COLES ISLAND ROAD (Map 259, Lot 6)

The Agent reviews with the Commission noting pending comments from Jim, Dave, and DMF. This is up for final discussion and up to the Commission to discuss comments submitted by Vine Assoc. on 06/18/07.

Mr. Gulla noted the alternative analysis request that was made. The Agent states that this matter falls under several jurisdictions.

Chapter 91 was noted and no ACEC.

It was noted that DMF and Shellfish see this as a new construction.

Mr. Gulla notes the fact that this is/can be regulatory purgatory.

The Agents notes that you cannot have floats or gangways. The pier cannot have a float and nothing new can be put in.

DMF and Shellfish both note this being a prolific shellfish area and further state that rebuilding will impact the shellfish.

Mr. Febiger noted that outside low water would be ok but none of the 3 alternatives will work or pass as they all have floats.

Ms. Sue St. Pierre, Vine Assoc. presents the plan for viewing by the Commission noting that they would only be reconstructing what has collapsed. She further notes that this is not salt marsh where the repair would be done and feels that they should have the right to repair/reconstruct the pier. She asks the Commission about a design with holes in it for water to flow through.

Ms. Sandy Patroquin notes having Chapter 91 and read comments.

She questions the disturbance of the bottom, noting it to be just rubble.

In regards to creating a break water affect we could open it up with a series of arches.

She notes this being two additional major concerns but with the Chapter 91 concerns.

Mr. Schenk notes that in order to find a proposal may be in order.

Sandy stated that Chapter 91 said they would approve it.

Mr. Anderson notes the involvement of ACEC and states this would not give us any room for alternative plans.

Mr. Socolow questioned the word "rubble" as to what was on the bottom with Ms. St. Pierre stated it to be rock.

Mr. Gulla notes a possible compromise regarding the archway.

Ms. St. Pierre states, in kind and same materials.

Mr. Anderson notes Chapter 91 being different from ACEC with rules and regulations and one saying you can while the other says you cannot.

The Agent notes waterways and ACEC but this not being compliant with Shellfish and DMF regarding any disturbance of the area as well as the impact to shellfish.

A discussion was had regarding the method of reconstruction and machinery to be used.

Sandy and Sue both stated that it would be done by hand with the exception of a concrete truck with a hose upland.

The Agent stated that she wants to see a 3rd party on this or DMF.

Mr. Frontiero stated that he agrees the arches would break up the flow but questioned the long term stability.

Sue St. Pierre notes an email from DMF, Tay Evans 06/07/07 regarding procedure of letters in regards to a NoI.

Mr. Schenk states that it sounds reasonable to move forward re: the construction by hand and with the new plan in had go to Shellfish and DMF.

PUBLIC COMMENT: none

Mr. Schenk asks for a motion to continue.

MOTION: Mr. Gulla moves to continue the matter to 07/18/07 8PM

SECOND: Mr. Feener VOTE: 6-0

Ms. Ryder notes that they need some kind of expertise regarding shellfish and the Shellfish Div. is trying to do a favor in this regard and not create a hardship for the applicant by having to hire a 3rd party, but to consider Shellfish as the 3rd party.

8:25 PM Motion requests for a 5 minute break.

MOTION: Mr. Feener SECOND: Mr. Anderson VOTE: 6-0 all in favor

13 MADISON COURT (Map 38, Lot 40) **NEW**

Mr. Anthony Tocco requests the GCC to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance for a 16 x 16 foot shed.

Mr. Peter Malaquias, present. Mr. Anthony Tocco, present.

Mr. Tocco submits photos to the Agent that were taken 3 to 4 weeks ago.

Ms. Ryder notes this as a two part application with the Enforcement Order to be lifted and stated that she had no problems with that.

The Commission reviews the plan.

Mr. Tocco notes that the shed is built on cinder blocks, 2 cinder blocks high 16 x 16 square.

Mr. Gulla notes that instead of a solid wall maybe a grid would work.

The Agent notes a 12 ft. vegetative buffer, which was required. She notes that the new proposal just states vegetative buffer within 4 ft. of the new structure. The 12ft. is not shown on the new plan.

Mr. Tocco states that he needs help at the site to understand what is to be done and what is required.

The Agent notes concern regarding this being a 2 family home and what the families will have for a useable yard.

Mr. Feener asks if the applicant can decrease the 16 ft to 12 ft. for the shed.

Mr. Gulla notes a possibility of moving it to the left a little. He further notes possible zoning requirements and maybe reducing the size and putting it on piers.

Mr. Schenk also notes shrinking it a little and moving it to the left.

The Agent notes that everything behind the shed would have to be considered vegetation.

PUBLIC COMMENT: none, closed.

Mr. Schenk notes shrinking the footage of the shed, moving it a bit left and mitigation.

Mr. Gulla notes that the applicant should try to get the structure to 12 x 12 as opposed to 16 x 16.

Mr. Schenk states that the matter should be continued to the next meeting.

Mr. Anderson asks if the violation can be lifted and the Agent states yes as we are addressing that as well.

Ms. Ryder reviews with the applicant what he needs to add and shift.

The violations can be removed.

MOTION: Mr. Socolow moves to remove the violation

SECOND: Mr. Anderson VOTE: 6-0 all in favor

MOTION: Mr. Gulla moves to continue the matter to 07/18/07

SECOND: Mr. Anderson VOTE: 6-0 all in favor

Ms. Ryder informs the applicant of paperwork to be submitted 2 weeks in advance of the meeting for review and states that they can discuss this in her office.

362 MAGNOLIA AVENUE (Map 213, Lot 13)

John Korthas to construct a boulder wall.

The Agent notes that the applicant is suppose to be submitting more information.

Dave S. and ***** have been involved and have been making some forward movement with this.

Mr. Schenk asks the Commission members to set a date/deadline and a letter to be sent re: fines up to \$250,000.00.

PUBLIC COMMENT: none

Mr. Schenk asks if the Commission would like to set a deadline date.

Mr. Gulla notes hesitance because of some movement being done at the site.

Mr. Anderson notes the first meeting in August as a date.

Ms. Ryder states that a letter is to be sent and submitted to her office by 07/25/07.

MOTION: Mr. Gulla moves to continue the matter to 08/01/07 to allow the letter to take effect.

SECOND: Mr. Anderson VOTE: 6-0 all in favor

8:55 PM Mr. Gulla departs the meeting.

39 RIVER ROAD (Map 118, Lots 5 & 6) **NEW**

Campbell Edlund to raze and re-construct a portion of a dwelling, elevate the existing structure and construct an addition.

In review the NoI was approved summer of 2006 with no work being done as of yet.

The owner is close to the footage elevation at 14.6

The plan was reviewed by the Commission.

Further mentioned was re-applying with a new NoI.

There was a discussion regarding lifting the house, a beam on the seawall and setting the house down on the beam.

The addition would be 8 x 10 and the enclosed porch would be 8 x 8 with the stairs being modified. The house would be raised approx. 18 inches with the 1st floor at grade and 3 small trenches for the beams. Further noted, the removal of a few stones from the seawall, not retaining, above grade and free standing.

Stone piers and concrete piers and shown under the existing structure.

The Agent notes the need to receive further comments from Dave Sargent and Shellfish.

She further notes a question of the release of tidal water as water comes and goes and it is all wide open on the side. The Agent notes that the applicant may want to schedule a site visit with Dave, Shellfish and the Agent...

Mr. Anderson inquires as to a detailed moving plan and the Agent states that it is detailed in the narrative on page 3.

Mr. Frontiero notes the steel rebars, the type of epoxy to be used and a question of premature rust or decay.

Mr. Socolow and Mr. Febiger had no comments.

Mr. Feener questioned the lifting of the house with hydraulics as he is leary of that as it would be right over the water.

Mr. Frontiero notes the possible need for a spec. sheet re: jack and the oil being used for the hydraulics.

PUBLIC COMMENT: none

MOTION: Mr. Feener moves to continue the matter to 07/18/07 8:30 PM for further comments from Dave Sargent, Shellfish and any other appropriate parties.

SECOND: Mr. Anderson VOTE: 5-0 all in favor

458 WASHINGTON STREET (Map 109, Lot 1)

Frank Piraino to construct a seasonal gangway and float on Mill River.

There is a request for continuation to 07/18/07.

MOTION: Mr. Anderson moves to continue the matter to the above date at 8:30 PM

SECOND: Mr. Socolow VOTE: 5-0 all in favor

28 KENT ROAD (Map 220, Lot 6)

Paul LeBlanc to construct a pier and a seasonal gangway and float on Little River.

There is a request for a continuation to 07/18/07.

MOTION: Mr. Socolow moves to continue the matter to the above date at 8:30 PM

SECOND: Mr. Febiger VOTE: 5-0 all in favor

154 WHEELER STREET (Map 100, Lot 14)

Tom Evangelista to construct a seasonal gangway and floats and conduct landscape activities.

The Agent reviews the plan with the Commission. The Commission had already approved the landscape activities through a previous OoI.

She notes a site visit with DMF, Shellfish and the Harbormaster. The Agent is waiting for comments from the parties who were in attendance at the site visit.

The Agent notes concerns Jim Kaulkett (dated 06/12/07), has in regards to the float.

DMF and Shellfish concerns are in regards to the dock footprint and it hopefully being closer to the original on cobble.

Mr. Feener inquired as to where boats would be tied up.

Ms. Ryder notes that with a single float it doesn't matter.

She further notes 9ft. clearance, eliminating 6 x 10 and shifting the 10 x 15 giving 79 ft. clearance at the sub straight.

Mr. Febiger inquired as to a new plan or voting on this plan. Ms. Ryder notes that it can be annotated on the plan.

Mr. Schenk notes that we will be signing and dating the annotation on the plan.

PUBLIC COMMENT:

E. Toulon and neighbors view the plan with input from Mr. Schenk.

E. Toulon asks if there is Chapter 91 approval with the Agent stating that it is not needed as this is seasonal.

Ms. Jean Dylan 156 Wheeler Street states that her bedroom windows are near to the docks and asks if they will rattle. The Evangelista's state that according the plan design they will not be aluminum.

Mr. Socolow asks if this will be seasonal and Mr. Schenk states yes and that it will be pulled upland.

The Agent notes that construction materials will be non toxic.

PUBLIC COMMENT: CLOSED

Mr. Schenk asks the Commission members if there are any other issues to discuss other than the annotation.

Mr. Anderson inquired as to standoffs being needed.

The Agent states yes but on cobble.

Conditions noted: non toxic materials, upland location, standoffs to be used, approval from Dave Sargent, 10 x 15 shifted upward and annotation to be noted.

MOTION: Mr. Febiger moves to approve with aforementioned conditions and annotation.

SECOND: Mr. Socolow

ABSTENTION: Mr. Schenk

VOTE: 4-0 in favor

AGENT'S REPORT ON VIOLATIONS AND COMPLAINTS

CEDARWOOD FENLEY BROOK

The Agent reviews stating that an Enforcement Order has already been issued and DEP can be brought in with more fines to follow.

Mr. Anderson states that a letter should be sent and a date set.

A letter was noted, being sent to The Engineering Dept, Mayor Bell and the City Council wanting to have a concrete proposal by a certain date. It was further noted DPW not Engineering.

MOTION: Mr. Anderson moves to approve the letter

SECOND: Mr. Febiger

VOTE: 5-0 all in favor

7 CEDARWOOD

There have been no filings and no recent responses.

129 DENNISON

The Agent went on site and notes that the owner did attempt to stay out of jurisdiction. The work done appears to be maintenance of existing use or outside the buffer zone.

54 GRAPEVINE

The Agent notes this as new with the filling of the buffer w/o permits. Enforcement letter sent.

462 ESSEX

The Agent notes work done in the buffer and Wetland area with a filing to be made for a hearing on 07/18/07.

(It was noted that W. Manuell was acquired by the Veterinarian)

15 MADISON COURT NEW

A violation of tree cutting on the edge of Wetlands with a conversion of the bank and immediate buffer to access the road.

The Agent notes that the violation notice was received and noted the name Marianne Springer. There is a question of fines being imposed this evening. It was further noted that it should be 07/18/07. The Agent states that an appointment is needed to discuss this further in the office. This is noted on the agenda as an Enforcement issue and that is what is to be discussed before the GCC.

Mr. Schenk explains and discusses what is needed for this issue to be further discussed.

An appointment with the Conservation Agent is needed and a possible date before the GCC at the next meeting.

Public Hearings resume:

ARBOR ROAD EXTENSION (Map 118)

Sarah Hackett to construct a gangway and seasonal float.

Mr. Schenk inquires as to the applicant presence. No response.

The Agent notes that the NoI was received and a site visit done.

She further noted that she received a postcard in the mail but cannot confirm the signature. She asks that the filing be withdrawn as there is a question of the signature.

MOTION: Mr. Febiger moves to continue the matter to 07/18/07 at 9:30 PM

SECOND: Mr. Socolow **VOTE:** 5-0 all in favor

33 EMERSON AVENUE (Map 21, Lot 8)

Lisa Mead, Atty for applicant present.

Dunfudgin LLC to construct a commercial building, parking area and utility connections.

The Agent notes that this has been continued pending mitigation and the final comments from Engineering.

The Agent reads the Engineering review from Mike Hale, Eng. Dept.

INSERT REVIEW INTO DRAFT – OBTAIN FROM MARIE

The Agent notes that the mitigation proposal substantially exceeds the 2 to 1.

She further notes that everything requested has been submitted.

Original mitigation plan to donate a boat to Shellfish has been taken off the table as it seemed too much like a conflict. It was noted that maybe through the City Council and full disclosure was discussed. Ms. Mead stated that everything was covered.

Brandon notes the possibility of a 3rd party for the geo technical work regarding concrete and/or reinforced steel.

The Agent states that the Eng. Dept. will set up a plan with the contractor.

Mr. Anderson states it is not within our jurisdiction.

Mr. Socolow had no comments. Mr. Anderson had nothing further.

Mr. Febiger inquired as to the mitigation plan including invasives and fragmities control.

Mr. Feener noted a time of year restriction and in regards to the buffer zone he feels that signage is needed.

The Agent notes the designation of footpaths as well.

Mr. Feener states that both of those areas that were noted on the plan should be addressed.

PUBLIC COMMENT:

Steven Goldin states that he submitted written comments to Ms. Ryder, Agent.

Ms. Ryder notes that all members received the statement but it was not legible.

Mr. Goldin then discussed with the GCC previous issues with other plans and states in regards to this plan it is the most illegal fill he has ever seen.

He feels the Commission would totally ignore any violations. He notes there being a history of illegal fill on the property and feels the GCC has totally ignored this. He feels

if you have enough money, power and connection individuals can get away with these kinds of things. He notes that whenever there is a Bell project Mr. Bell avoids any appearances before the GCC and sends his attorney. He asks that the Commission request that Mr. Bell answer to illegal fill issue.

Ms. Ryder reminds Mr. Goldin that they are here this evening to discuss environmental issues only.

Mr. Goldin then addresses Mr. Febiger and asks him if he has observed the fill encroachment behind the co-op and Mr. Febiger said No.

Ms. Ryder notes that an investigation was done and no evidence of anything outside of any permits issued was found.

Mr. Goldin states that there is evidence and he had a discussion regarding this matter with Mr. Joe Orange.

The Agent notes that Mr. Orange has not submitted any documentation.

Mr. Goldin notes that this all happened previous to the permits. He feels that the GCC has chosen not to investigate this and that illegal fill really needs to be investigated.

He feels this to be a valuable riverfront area and a self imposed hardship.

It was noted that 15 ft. along the riverfront will not be disturbed. He notes this being City of Gloucester property and not the property of Mr. Bell. He states that this is not hearsay and is asking for further investigation as well as stating he has never seen anything this brazen.

Mr. Frontiero asks Mr. Goldin if he means in regards to the illegal fill and Mr. Goldin stated yes.

Mr. Frontiero states that you cannot build over organics and/or uncontrolled fill as it will settle.

Mr. Goldin notes his observations regarding the fill over the past 10 years, where it was and where it is now. Again he notes that the GCC needs to investigate this issue.

Mr. Frontiero states that there are rules of construction that have to be followed.

Mr. Goldin went on to further discuss violations in regards to the riverfront area.

Mr. Socolow asks if these concerns have been formally submitted to either the Chairman of the GCC or the Agent. Mr. Goldin thanks Mr. Socolow for his attentiveness regarding this issue.

PUBLIC COMMENT – closed.

Ms. Ryder notes 119,087 sq. ft with 11, 000 sq. ft being disturbed.

She further notes that this is not a new project and there has been an outstanding permit for 6 years. She notes a refile, the permit being outstanding and that the application exceeds the mitigation compliance.

Mr. Anderson notes boulders as a condition where required.

Mr. Febiger notes that there was a problem when it began re: the siltation sock, which had to be corrected.

Mr. Anderson and the Agent were at the site. The Agent notes that there is fill but within the footprint of the building. Permit no. 28 15 07 - minus the mitigation, storm water management and designated pathway.

Conditions from The Eng. are as follows:

3rd party oversight, no herbicides in fall with July and October noted.

Signage in regards to the buffer zone and the pond.

Designated walking paths.

MOTION: Mr. Febiger moves to approve the project subject to the aforementioned conditions and mitigation proposal.

SECOND: Mr. Feener VOTE: 5-0 all in favor

10:15 PM Mr. Socolow departs the meeting.

39 WOODWARD AVENUE (Map 219, Lot 102)

Scotadam Chernov to construct a pier, ramp and seasonal float.

Ms. Mary Rimmer, Mr. Dan Ollenheuner, present for the applicant.

It was noted that the applicants live 1 block down from the parcel being discussed.

There is a proposed gravel walkway to the wooden pier, (hand dug pilings), being 132 ft. long, then a 39 ft. ramp that attaches to the float. This is for kayaks and a skiff. The lower portion of the area has fragmities.

It was noted that there was a great site visit with Ms. Ryder, Dave Sargent and DMF in attendance.

The public boat ramp was noted as an alternative but it was stated that the applicant would have to walk a kayak approx. 1000 ft. plus and that is not viable.

Another alternative questioned was purchasing use of the neighbors dock but they were not interested.

It was noted that Dave Sargent had questioned the pier itself being designed where there is fragmities.

Debris would be removed off site at the end of the day. It was further noted that they applicant felt it was being centered between 2 already existing floats.

Ms. Rimmer noted a north to south orientation. She further noted that CZM noted light being under the deck.

Ms. Ryder stated that she thought Dave Sargent had it possibly shifted in 2 different areas and noted the wave action. She further stated that she could be mistaken.

Two 12 inch trees were noted.

Mr. Ollenheuner questioned treating the fragmities with an application of herbicide.

Mr. Schenk noted mowing it and when it grows, it grows.

The proposed float would be on 4 posts with pads and standoffs 2 ½ ft. secured with mushroom anchors. There would be some temporary impact during construction.

Mr. Ollenheuner stated that they would like to construct what exists on the plan. He further stated that they are willing to offer improvement to the area by getting rid of the fragmities.

Ms. Ryder states that Dave Sargent and Tay would not want to see herbicides used re: the fragmities. She further noted that there may be excavation to get it out but this is not widely accepted. It may be a test site for this type of treatment.

Ms. Rimmer notes the direct road runoff and fresh water input. The ground water elevation is the same as the salt marsh elevation and we don't want to create a basin.

Root barriers were suggested.

Mr. Schenk notes that some type of long term maintenance plan is in order as fragmities will pop up again.

Mr. Anderson states that he is against any type of herbicide going into that area.

Ms. Ryder notes that Dave Sargent conveyed concerns about the location of the float.

Mr. Ollenheuner stated that wherever they put it, it will be in the shellfish bed/harvesting area.

Mr. Anderson notes that the GCC needs something in writing from Dave Sargent in regards to all of this.

Mr. Schenk inquired as to off site mitigation and Ms. Ryder stated yes.

Mr. Anderson inquired as to any comments from DMF and Ms. Ryder stated no, DMF thought they were getting a revised plan so there are no comments from them as of yet. Mr. Schenk notes that the issue needs to be cleared through DMF before any decisions can be made by the GCC.

Ms. Ryder states that the fragilities removal will not be the mitigation.

The fish run was discussed.

Mr. Ollenheuner stated this would be hand dug and no pressure treated wood would be used.

Ms. Ryder notes that they will be included in the conditions.

PUBLIC COMMENT: none

Mr. Schenk asks for a motion to continue.

Mr. Anderson questions the comment from Dave Sargent asking what can be gained by shifting it north/south re: shading.

Mr. Feener states it is to be noted that no herbicides are to be used.

MOTION: Mr. Feener moves to continue the matter to 07/18/07

SECOND: Mr. Anderson VOTE: 4-0

Mr. Anderson discussed the DMF budget and budget cuts noting the government requested budget and the House of Representatives cutting it, (Ways and Means).

Ms. Ryder inquired about a letter to be sent from the Commission.

Mr. Schenk asked if Mr. Anderson would compose a draft and Mr. Anderson stated yes.

EXTENSION PERMITS

MYRTLE SQUARE LLC 21 MYRTLE SQUARE

The Agent states that there is no issue and recommends granting an extension for a year. The drainage issues are mostly offsite.

MOTION: Mr. Anderson moves to approve the extension for 1 year.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

2 GLOUCESTER AVENUE

The Agent states that they are asking for an extension.

MOTION: Mr. Anderson moves to approve the extension for 1 year.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

Budget Update - Ms. Nancy Ryder, Agent for the Conservation Commission notes the Budget and Finance results being: 1 full time clerk, 1 half time assistant. She further notes funding and having to go to the City Council.

APPEALS

Chapter 91 app. fro Annisquam River Dredging – no problems.
Final decision for Varian appeal - DEP upheld decision by the GCC.
Final decision for Keystone Road appeal – DEP upheld decision by the GCC.
2007 ROW proposal for MBCR response letter – collaborative letter sent.
Update on Hobbs appeal for 27 Kondelin - refiling with the Comm. and appeal on hold.
Update on DEP site visit to Village at West Gloucester – temporary crossing with a permanent crossing to be completed.

REQUESTS FOR CERTIFICATE OF COMPLIANCE

7 Kirk Road
57 A dams Hill Road
126 Eastern Point Blvd.
47 Witham Street
18 Ocean Highlands Ave.
Pierce Island

MOTION: Mr. Feener moves to approve the above requests for CoC

SECOND: Mr. Febiger VOTE: 4-0 all in favor

Mr. Schenk asks for a motion to adjourn this evenings Gloucester Conservation Commission meeting.

MOTION: Mr. Anderson

SECOND: Mr. Febiger VOTE: 4-0 all in favor Meeting adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk